

NEEDHAM PLANNING BOARD MINUTES

February 26, 2019

The regular meeting of the Planning Board held in the Charles River Room, Public Services Administration Building, was called to order by Martin Jacobs, Vice-Chairman, on Tuesday, February 26, 2019, at 4:00 p.m. with Mr. Owens and Mmes. Grimes and McKnight, as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski. Mr. Alpert arrived at 4:25 p.m.

Ms. Newman noted there will be an extra meeting on 3/11/19 at 7:00 p.m. All agreed.

Decision: Major Project Site Plan Special Permit No. 2019-01: Pancho's Taqueria Needham, LLC c/o Carols Chavira, 97 Clark Street, Dedham, MA 02026, Petitioner (Property is located at 1450 Highland Avenue, Needham, MA 02492).

Ms. Newman noted there was a redlined document in the packet. Ms. McKnight stated she has some suggestions and hopes to come to a consensus. Mr. Alpert reviewed the changes that were made which included corrections of typos, working changes and in 3.4, a reference by the applicant that he will be garaging the vans in Dedham. Mr. Alpert felt if the vans are moved the Board should not care where the applicant garages them as long as it is not in Needham. Mr. Jacobs and Owens were fine with all the changes.

Ms. McKnight noted the necessary access easement condition is not reflected in the decision presently. Also, the Board is approving 8 parking spaces, which is 3 more than the original decision this is based on. The current signage shows only five of the spaces are for the medical center use exclusively 8:00 a.m. to 5:00 p.m. That leavesthree spaces along Highland Place that would be available for other uses of the building. Those spaces would be available for the catering vehicles and delivery vehicles. She would not want deliveries to park on Highland Avenue. She wants to reach a consensus. After 5:00 p.m. all 8 spaces are available for the restaurant use.

Ms. Alpert stated there are 3 petitions in front of the Board. The other 2 petitions deal with parking spaces. It is clear to him this petitioner is a tenant and has no rights to parking. Ms. McKnight's request for spaces does not belong in this permit. The landlord has control and not this applicant. The Board could ask the applicant to use his best efforts to have deliveries and vans off Highland Avenue. Ms. Grimes agreed with Mr. Alpert. The applicant has no parking spaces. Ms. Newman said she tried to draft the decision so as to approve Pancho's on the existing site plan but also to acknowledge that the landlord applied for approval for Site Plan Approval to modify the façade and make certain site changes.

Ms. McKnight commented that she hoped her concerns would be addressed. On page 6, she would like "or will be assured by required plan modification and conditions of this decision" added in 1.14, 1.18 and 1.19. For the plan modification she thought the Board was requiring an existing plan of land for driveway access. Mr. Alpert stated that was on the other permits. Mr. Cramer stated the public hearing for 15-30 Highland Place, on the parking plan, all spaces were shown for 1450 Highland Avenue also. Ms. McKnight stated she needs a plan to show non-exclusive rights. Mr. Alpert stated that is in the other permit. Ms. McKnight noted she would like to add in 3.14 "and to require operators of delivery and catering vehicles to park in designated parking space on the site and shall use due diligence and make reasonable efforts to prevent customers or such vehicle operators..." Mr. Alpert stated the Board talked at the hearing about deliveries on Highland Avenue. There did not seem to be a problem. He is willing to add language but to use best efforts and not require it. He would say to use best efforts. Ms. Grimes feels it is a moot point. Mr. Jacobs stated at that time there are no spaces on site. Mr. Cramer reiterated Pancho's has no rights to park on site. Mr. Jacobs asked if the medical center could make a deal with Pancho's to use the spaces after 5:00 p.m. Would the landlord have an issue with that? Carlos Chavira, applicant, felt there would be no issue.

Upon a motion made by Mr. Owens, and seconded by Ms. Grimes, it was by four of the five members present (Ms. McKnight voted in the negative):

VOTED: to approve the decision as modified in this document.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by four of the five members present (Ms. McKnight voted in the negative):

VOTED: to grant (1) a Major Project site Plan Special Permit under Section 7.4 of the Needham Zoning By-Law and Section 3.0 and 4.2 of the Major Project Site Plan Special Permit No. 1997-2 for Plan A as described in Exhibits 3 and 5 and in the alternative Plan B as described in Exhibits 4 and in Exhibit 6 as modified and approved under the Property Owners special permit application and further conditioned upon the actual issuance of a special permit from the Planning Board on Plan B and the survival of any appeal that is taken; (2) a Special Permit under Section 3.2.2 of the By-Law for a restaurant serving meals for consumption on the premises and at tables with service provided by waitress or waiter in the Center Business District; (3) a Special Permit under Section 3.2.2 of the By-Law for a take-out operation accessory to a restaurant serving meals for consumption on the premises, as well as a catering service accessory to the restaurant use; (4) a Special Permit under Section 3.2.2 of the By-Law for more than one non-residential building or use on a lot; (5) a Special Permit under Section 1.4.6 of the By-Law for the alteration, enlargement or reconstruction of a non-conforming structure, if required; and (6) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the requirements of Section 5.1.2 (Required Parking) by 4 spaces under the Plan A option and 2 spaces under the Plan B option and Sections 5.1.3 (Off-Street Parking Requirements), subject to and with the benefit of the following Plan modifications, conditions and limitations.

Decision: Amendment Major Project Site Plan Special Permit No. 97-2 and 97-5: Topliff Street Associates Limited Partnership, c/o Boylston Properties, 800 Boylston Street, Suite 1390, Boston, MA 02199, Petitioner (Property is located at 1450 Highland Avenue, Needham, MA 02492. (Building Façade and Site Plan Modification).

Mr. Alpert noted a typo on page one has been corrected as well as on page 6 in 1.8 and wording changes in 1.9. Ms. McKnight asked where the requirement is that an easement plan be submitted and approved and was informed it was in Section 3.2. Mr. Jacobs stated Section 3.2 should say it should be submitted for approval “before” recording. Mr. Alpert suggested “within 60 days of the issuance the petitioner shall prepare and submit to the Planning Board for review and approval the parking and access easement plan above; once agreement has been approve by the Planning Board the approved plan will be filed with the Norfolk County Registry of Deeds.” All agreed. Ms. McKnight noted 1.7 and asked if there is any requirement for on-site parking. There is no requirement.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the decision in front of us with the changes as the Board discussed.

Decision: Major Project Site Plan Special Permit No. 2019-02: Fifteen Highland, LLC, c/o Boylston Properties, 800 Boylston Street, Suite 1390, Boston, MA 02199, Petitioner (Property is located at 13-15 Highland Place, Needham, MA 02492). (Demolish of Commercial Building & Establishment of 12 Parking Spaces).

It was noted changes were made by Mr. Alpert, Mr. Cramer and Ms. Newman. Mr. Jacobs noted in 1.3(c) on the top of page 3 “the right to” should be deleted the same as (b). Ms. Grimes asked if Mr. Cramer was ok with the changes made by the Planning Board members and was informed he was. Mr. Alpert noted there are 12 space in the rear with 8 other spaces at 1450 Highland Avenue. The owner of 1450 Highland Avenue will enter into a lease and an easement and will have control of all 20 spaces. It was put in the decision the 20 spaces are for the exclusive use of the tenants of 1450 Highland Avenue with sole discretion of the landlord of 1450 Highland Avenue. He is willing to stipulate a specific number of spaces. Ms. McKnight stated 1.12 addresses the use of parking spaces. Mr. Cramer stated it should be at the landlord’s discretion. Mr. Owens and Ms. Grimes agreed. The language in 3.5 should be changed to the same as the 3.2 language.

Ms. Newman stated she has an existing condition plan not proposed conditions. Ms. McKnight stated it does not show the easement. Mr. Cramer noted the language in 3.0 is acceptable. Mr. Jacobs asked where is the provision

that requires an access easement? Ms. Grimes noted in 3.5 and 3.6. Ms. McKnight noted 1.3 refers to plan. She would like to remove “or sketch.” Mr. Jacobs agreed.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to grant (1) a Major Project Site Plan Review Special Permit under Section 7.4 of the Needham Zoning By-Law; (2) a Special Permit under Section 3.2.2 of the By-law for the “off-street parking of vehicles associated with a principal use, located on a separate lot, owned or leased by the owner of the land on which the principal use is located, within a zoning district in which the principal use is permitted”, and (3) a Special Permit under Section 5.1.1.6 of the By-Law to waive strict adherence with the off-street parking requirements of Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, subject to and with the benefit of the following Plan modifications, conditions and limitations.

Upon a motion made by Ms. Grimes, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the decision in front of us as amended in front of us and with the changes discussed today in 1.3 and 3.5.

Correspondence

There is no correspondence.

Report from Planning Director and Board members

There is no report.

Minutes

Ms. McKnight noted that on the December 4, 2018 minutes, the fourth paragraph should actually say that 20 of these houses were torn down on 20 lots and 20 2-story duplexes were built.

Upon a motion made by Ms. McKnight, and seconded by Mr. Jacobs, it was by the five members present unanimously:

VOTED: to approve the minutes of 12/4/18.

Upon a motion made by Ms. Grimes, and seconded by Mr. Owens, it was by the five members present unanimously:

VOTED: to adjourn the meeting at 5:40 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Martin Jacobs, Vice-Chairman and Clerk